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JUL 22 2016

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 16-C-10281
JEREMY DENNIS EVELAND,)	
)	RECOMMENDATION OF SUMMARY
A Member of the State Bar, No. 231552.)	DISBARMENT
)	

On May 4, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a motion for summary disbarment based on Jeremy Dennis Eveland's felony conviction. Eveland did not respond. We grant the motion and recommend that Eveland be summarily disbarred.

On March 13, 2015, Eveland plead guilty in the Third District Court, Salt Lake County, to a violation of Utah Code Annotated § 76-10-1801(communications fraud). The Court entered judgment the same day and sentenced Eveland to an indeterminate sentence of not to exceed five years in the Utah State Prison, suspended, and placed him under 24 months' probation. With its motion, OCTC submitted evidence that the conviction had become final. Specifically, no party filed a notice of appeal within the statutory time period after the entry of judgment. (See Utah Rules App. Proc., rule 4.) Effective July 11, 2016, Eveland was placed on interim suspension from the practice of law.

After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes that

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Eveland's offenses meet both criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, Eveland's offense is a felony. (Bus. & Prof. Code, § 6102, subd. (d); Pen. Code, § 17(a); Utah Code Ann. §§ 76-10-1801(1)(c) [communications fraud violation is a third degree felony when property, money, or thing obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000], 76-3-203 [third-degree felony punishable by up to five-years imprisonment].)

Second, Eveland's communication fraud conviction involves moral turpitude because it necessarily involves intent to defraud. (*In re Fahey* (1973) 8 Cal.3d 842, 849.) Section 76-10-1801 provides in pertinent part: "Any person who has devised any scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and who communicates directly or indirectly with any person by any means for the purpose of executing or concealing the scheme or artifice is guilty of . . . a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000." A defendant's knowledge that they are facilitating a fraud is implicit in the element of "devis[ing] a scheme to defraud." (*State v. Ross* (Utah Ct. App. 1997) 951 P.2d 236, 242.) Accordingly, Eveland's conviction qualifies him for summary disbarment.

When an attorney's conviction meets the requirements of Business and Professions Code section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Jeremy Dennis Eveland, State Bar number 231552, be disbarred from the practice of law in this state. We also recommend that he be ordered to comply

with California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 22, 2016, I deposited a true copy of the following document(s):

ORDER FILED JULY 22, 2016

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JEREMY D. EVELAND
EVELAND & ASSOCIATES, PLLC
8833 S REDWOOD RD STE C-2
WEST JORDAN, UT 84088

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

CHARLES A. MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 22, 2016.



Rosalie Ruiz
Case Administrator
State Bar Court